



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/045,385	03/20/98	MATSUSHIMA	48240

MMC1/0301
DIKE BRONSTEIN ROBERTS & CUSHMAN
130 WATER STREET
BOSTON MA 02109

EXAMINER

PARKER, K

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 03/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/045,385

Applicant(s)

Matsushima et al

Examiner

Kenneth Parker

Group Art Unit

2871



☒ Responsive to communication(s) filed on May 8, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 3-5, 7, and 18 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 3-5, 7, and 18 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☒ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2871

This office action is sent in replacement of the previous office action, which, do to a lack of clarity regarding the applied art and other matters, had been withdrawn as discussed in the telephone interview of 12/4/2000.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2871

1. Claims 3-5, 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodata et al, U.S. Patent #5818,550, in view of Shirahashi et al U.S. Patent # 5,285,301, Sato et al, U.S. Patent # 6,081,305 and Miyawaki et al, U.S. Patent # 5,822,028.

Kodata et al discloses everything (a first insulating substrate 0, with picture element electrodes in a matrix, a second opposite substrate 12 with the counter electrodes, aligned and sealed with liquid crystal 13 interposing, with the first substrate having switching elements 2, line driving means 3 and 6, color filters 9 and light shielding layers 8 corresponding to the transistors) excepting a black layer around the perimeter. The use of a black matrix around the perimeter was well known for preventing light leakage and shielding for drive circuits, and would have been obvious for that reason. All the above listed secondary references show active matrix devices with black layers in the peripheral regions, and therefore provide evidence of this assertion of the well known status of these layers for the above mentioned purposes.

Response to Amendment

Applicants arguments are moot in view of the new ground of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Parker whose telephone number is (703) 305-6202. The fax phone

Serial Number: 09/045,385

Page 4

Art Unit: 2871

number for this Group is (703) 308-7722. Any inquiry of a general nature or relating to the status of this application or preceding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

February 16, 2001



**KENNETH ALLEN PARKER
PATENT EXAMINER
GAU 2871**